

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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Nationwide Affinity Ins. Co. of  
America a/s/o Kelly Burt and Brittini Burt,

Plaintiff,

v.

Case No. 5:16-cv-00880  
(LEK/ATB)

United States of America,

Defendant.

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**STIPULATION OF DISMISSAL**

IT IS HEREBY STIPULATED AND AGREED, by and between the parties to the above-captioned action, plaintiff NATIONWIDE AFFINITY INSURANCE COMPANY OF AMERICA a/s/o KELLY BURT AND BRITTINI BURT, and defendant UNITED STATES OF AMERICA, by and through their undersigned attorneys, that plaintiff's complaint against defendant, defendant's counterclaim against plaintiff, and all claims therein be and hereby are dismissed, with prejudice, pursuant to Fed. R. Civ. P. 41 (a)(1)(A)(ii), without costs or fees to any party as against any other. That no party hereto is an infant or incompetent. No further suit may be instituted for the same causes of action which have been asserted herein, or for any other causes of action arising out of the incidents or circumstances that gave rise to this action; and

IT IS FURTHER STIPULATED AND AGREED that this Stipulation and Order may be executed in separate counterparts and by facsimile signature, each of which shall be deemed to be an original.

Once this Stipulation and Order has been signed and so ordered by the Court, the Clerk of the Court shall enter judgment in this case dismissing the action with prejudice and shall close the case.

Dated: November 21, 2016

  
Angelo Capalbo, Esq.

Attorney for Plaintiff

Bar Roll No. 520130

Gialleonardo, Frankini & Harms  
330 Old Country Road, Suite 200  
Mineola, New York 11501-4143

Dated: November 21, 2016

  
Ransom P. Reynolds, Esq.

Assistant United States Attorney

Bar Roll No. 512035

Attorney for the United States

United States Attorney's Office

100 South Clinton Street, Ste. 900  
Syracuse, New York 13261

SO ORDERED:

Dated: \_\_\_\_\_, 2016  
Albany, New York

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Hon. Lawrence E. Kahn  
Senior U.S. District Judge